

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

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|---------------------------------|---|----------------|
| CHRISTINA LAING, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. _____ |
| |) | |
| CITY OF BLUE SPRINGS, MISSOURI, |) | |
| |) | |
| Defendant. |) | |

DEFENDANT’S NOTICE OF REMOVAL

COMES NOW, the City of Blue Springs, Missouri (“Defendant”), pursuant to 28 U.S.C. §§ 1441(c) and 1446, hereby remove the above-captioned civil action from the Circuit Court of Jackson County, Missouri (hereinafter “the State Court Action”) to the United States District Court for the Western District of Missouri. The removal of this civil action is proper for the reasons set forth below.

1. On November 6, 2019, Plaintiffs Christina Laing and Jessica Smith, though their attorneys, initiated in the State Court a civil action through the filing of a Petition (hereinafter “Petition”) captioned *Christina Laing and Jessica Smith v. The City of Blue Springs, Missouri*, assigned Case No. 1916-CV29923 (hereinafter “the State Court Action”).

2. On November 14, 2019, Defendant was served with Plaintiff’s Petition.

3. Plaintiff’s Petition alleges that Defendant violated provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., (“FLSA”).

4. Additionally, Plaintiff’s Petition includes a claim based on the Missouri Minimum Wage Law, Mo. Stat. Ann. §290.500 (“MMWL”), and a common law claim for “Unjust Enrichment.”

5. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over Plaintiff's claims because the Petition filed in the State Court Action presents federal questions arising under the FLSA. The Federal Courts have original jurisdiction over this matter pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1441(c)(1) because Plaintiff's claims include alleged violations of the laws of the United States of America.

6. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over Plaintiff's MMWL and unjust enrichment claims because those claims relate to Defendant's alleged failure to pay Plaintiff overtime wages as to form part of the same case and controversy to invoke this Court's supplemental jurisdiction pursuant 28 USC § 1367(a).

7. Defendant is filing this Notice of Removal timely under 28 U.S.C. § 1446(b) because Defendants are filing it within thirty (30) days after receipt of the initial pleadings setting forth the claims for relief by Plaintiff.

8. Pursuant to 28 U.S.C. 1446 (b), a copy of all process, pleadings, and orders served upon Defendants or otherwise filed in the State Court Action are attached hereto as Exhibit A.

9. Pursuant to 28 U.S.C. 1446 (d), a copy of this Notice of Removal is being promptly filed with the Circuit Clerk in the State Court Action.

WHEREFORE, Defendant hereby removes the State Court Action to this Honorable Court.

Respectfully submitted,

ENSZ & JESTER, P.C.

/s/ Matthew J. Gist

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| BRANDON D. MIZNER | MO #46515 |
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that, on December 4, 2019, the above and foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

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/s/ Matthew J. Gist

ATTORNEYS FOR DEFENDANT